

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

105

CWP-25851-2023
Date of Decision: 18.01.2024

ABHAY SINGH DHILLON

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mansur Ali and Mr. Tushal Madaan,
Advocates for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is to direct the respondents No.1 to 4 to protect the life and liberty of the petitioner and to provide police security cover to him based upon the recommendation made by the S.H.O., Police Station Gidderbaha.

Learned counsel for the petitioner contends that the petitioner is actively working as National General Secretary and Spokesperson for a political party namely Shiromani Akali Dal and has been associated in several political activities. Besides, as an active politician, he has to attend various political rallies and conferences on behalf of the political parties and highlight the failures/misgivings of the ruling party. Owing to the current law and order scenario in the State of Punjab there is a threat to the life and liberty of the petitioner. Consequently, an application dated 04.12.2022 was submitted by the petitioner to the respondent-Authorities. On receipt of the said application, an inquiry was conducted by the Station House Officer, Police Station Gidderbaha

as per procedure and he has recommended for providing security to the petitioner. Since the security was not being provided despite the recommendation made by the SHO concerned, the petitioner preferred the present writ petition before this Court.

Vide order dated 17.11.2023, the respondent-State was directed to apprise about the status on completion of instructions from the Competent Authority.

A status report by way of affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Gidderbaha, District Sri Muktsar Sahib has been filed today in Court, copy whereof has been furnished to learned counsel for the petitioner. It has been specifically averred in the abovesaid status report that the application submitted by the petitioner was forwarded to the Senior Superintendent of Police, Sri Muktsar Sahib vide office letter dated 21.12.2022 and an inquiry was conducted. During assessment of the threat perception, the petitioner could not produce any proof/documents with regard to the threat. He was also not found to be on the target of any criminal gang/anti-social element/terrorist or separatist groups. The inquiry officer did not recommend for providing security cover to the petitioner as per his report dated 04.03.2023 submitted to the office of the Senior Superintendent of Police, Sri Muktsar Sahib. Thereafter, a detailed report dated 06.03.2023 has also been submitted to the office of Addl. Director General of Police, Security Punjab by the Senior Superintendent of Police, Sri Muktsar Sahib with a recommendation that no security cover is to be provided to the petitioner. The said report has already been approved. It is contended that even though the S.H.O. made a recommendation for providing security, however, the said report of the S.H.O.

was without any evidence and with no perception. The same was forwarded alongwith the recommendations solely on account of the statement that the petitioner is an active politician. It is contended that the petitioner had subsequently also submitted an application on 29.10.2023 to S.H.O., Police Station Lambi that three persons with their muffled faces had come on a motorcycle with no number plates and had thrown brickbat on the mirror of the vehicle of the petitioner causing breakage of the window pane of the vehicle in which the petitioner was travelling. The said complaint was also marked to ASI Baljeet Singh, No.462 of Police Station Lambi by the S.H.O. During the course of inquiry proceedings, the statements of the witnesses/various other persons were recorded and finding no proof and evidence with regard to the occurrence from the secret inquiry, it was concluded that the incident in question does not stand established and seemingly the application has been submitted to take political advantage in future. Further, as a matter of abandoned caution, the directions had been issued to the SHO, Police Station Gidderbaha as well as In-charge, mobile PCR of Police Station Gidderbaha to depute PCR officials to supervise the house as well as the office of the petitioner carefully. As and when any suspicious person is found to contact the petitioner, his house or his office, preventive action may be taken against the said persons. The relevant extract of the said status report reads thus:

“3. That in compliance of order dated 15.12.2023, passed by this Hon'ble High Court, it is submitted that Abhay Singh Dhillon now petitioner submitted an application dated 04.12.2022 (Annexure P-1) to respondent no.2 and the same was sent to Senior Superintendent of Police, Sri Muktsar Sahib vide office letter No. 58465/DDSD-4 dated, Chandigarh the 21.12.2022. Thereafter

petitioner also submitted an application (Annexure P-3) through email to respondent no.2 and the same was also sent to Senior Superintendent of Police, Sri Muktsar Sahib.

4. *That the deponent conducted an inquiry and it is found that applicant Abhay Singh Dhillon now petitioner is the General Secretary as well as the Spokes person of political party Shiromani Akali Dal, Youth Wing. During assessment of the threat perception, applicant did not produce any proof/document with respect to threat perception. Apart from this, petitioner Abhay Singh Dhillon was not found to be on the target of any criminal gang/anti social elements/terrorists or separatist groups. The deponent had not recommended to provide security cover to petitioner Abhay Singh Dhillon vide report no 325-R/DSP/GDB dated 04.03.2023 submitted to the office of the Senior Superintendent of Police, Sri Muktsar Sahib.*

5. *That a detailed report no. 11044/Sec dated 06.03.2023 has been submitted to the office of respondent no 2 by Senior Superintendent of Police, Sri Muktsar Sahib with the recommendation that no security cover is to be provided to the petitioner and the same has been approved.*

6. *That SHO, Police Station Gidderbaha also submitted his report no. 1859-5A dated 29.08.2023 to the effect that applicant Abhay Singh has not produced any proofs that threats were given to him by any gangster/anti social element, so recommendation was made not to provide security to applicant Abhay Singh Dhillon now petitioner.*

7. *That Tarwinder Singh son of Manjit Singh, resident of Gidderbaha submitted an application dated 29.10.2023 to SHO, Police Station Lambi that on 29.06.2023 applicant Tarwinder Singh along with Abhay Singh Dhillon had gone to the fields of petitioner Abhay Singh Dhillon, when they reached near the water course situated on village Channu to Lambi Road, then three*

persons with their muffled faces came on a motorcycle. It was about 06:00 PM, no number plate was affixed on the said motorcycle and the motorcycle riders gave a signal by moving hand, but Tarwinder Singh and Abhay Singh Dhillon sped their vehicle make Rubicon. A brick bat was thrown out of the said persons on the mirror of their vehicle, resultantly the window pane of their vehicle was broken Applicant Tarwinder Singh and Abhay Singh Dhillon fled away from the spot to save themselves The said application was marked to ASI Baljeet Singh no 462 of Police Station Lambi by SHO, Police Station Lambi. During the course of inquiry proceedings, statements of Boota Singh (Member Panchayat) son of Jaswant Singh, Darshan Singh son of Gurbachan Singh, both residents of village Channu were recorded A joint statement of Rammi Singh son of Jaspal Singh, Jaskaran Singh son of Nachattar Singh, Jaspreet Singh son of Tarsem Singh, Telu Singh son of Gurdev Singh and Mahinder Singh son of Mukhtiar Singh, all residents of village Channu was recorded.

8. *That from the inquiry, it is found that the number of the vehicle make Rubicon was not disclosed by the applicant, the vehicle Rubicon was also not produced before the inquiry officer by the applicant. Apart from this, no proofs and evidence was also produced by applicant to prove their allegations. From the secret and open inquiry, it is found that no evidence has come that the alleged occurrence was occurred. From the inquiry it is also found that Abhay Singh Dhillon belongs to a political party and family, so he might be got submitted the present application from Tarwinder Singh to take political advantage in future The application was found to be false and the same was recommended to be filed*

9. *That ASI Baljeet Singh submitted his inquiry report dated 03.11.2023 to SHO, Police Station Lambi and the same was seen and filed by SHO, Police Station Lambi on 04.11.2023.*

10. That in view of the above said facts and circumstances, as per input on threat perception, Abhay Singh Dhillon has no specific threat to his life and liberty at present. Necessary instructions have also been issued to SHO, Police Station Gidderbaha as well as In-charge, Mobile PCR of Police Station Gidderbaha, District Sri Muktsar Sahib to depute PCR officials to supervise the house as well as the office of the petitioner carefully, as and when any suspicious person is found to contact the petitioner or the house of the petitioner or office of the petitioner, then preventive action may be taken against the said person. It is further found that at this stage, no security threat perception is there to the petitioner, so no further action is required to be taken in the present case

11. That it is humbly submitted that the norms and guidelines for providing security to individual protectees have been laid down in the State Security Policy, which was notified by the Punjab Government on 02.09.2013, in pursuance of the directions of the Hon'ble Supreme Court in SLP No. 25237 of 2010 in case titled as "Abhay Singh v/s State of UP and others". The respondents are bound by the norms and guidelines laid down in the State Security Policy. The State Security Policy stipulates that "Police officers are recruited, trained and maintained at a huge cost borne by the taxpayer, and are, therefore, meant to be deployed for the protection of the community. Providing police officers to individuals for their protection at the cost of the taxpayer is not the function of the State or the government, and that "personal protection at State expense was always meant to be an exception, and not the rule". Further that the "Yellow Book issued by the Ministry of Home Affairs, New Delhi, The tendency to continue with security arrangements even in the absence of real threat should be avoided".

I have heard the learned counsel for the respective parties and have gone through the documents and record available on case file with their able assistance.

The entitlement of any person to claim protection/security would accrue only in an event of real and tangible threat to his life and liberty. Merely because a person is pro-active in political field does not make him entitled to seek protection/security. The report has already been filed by the respondent-State after looking into various incidents/applications submitted to them and it has been specifically concluded by the respondent-Authorities that there is no threat perception to the petitioner. Besides, no such tangible material has been brought before this Court in the present petition as well, on the basis whereof, it can be held that there is a real and grave threat or apprehension to the life and liberty of the petitioner or the members of his family. The report of the SHO, which was relied upon by the petitioner for claiming the relief and appended as Annexure P-2 is infact not a report based on any assessment of a threat and is solely a recommendation and seemingly under political influence.

Grant of security not being a matter of right and being a drain on public exchequer is not to be conferred on petitioner so as to pose his ego and to confer a status on such person. The resources of the State are required to maintain law and order and cannot be taken out from the maintenance duties only for bolstering the ego of persons who want to flail the status at the cost of State Exchequer. In the absence of any tangible material and noticing that the applications/evidences, if any, which were available with the petitioner have already been examined by the Competent Authority and they have come to a conclusion that there is no objective material to substantiate any threat to the

life and liberty of the petitioner or members of his family and as such, the request of the petitioner for providing security has been declined. In the absence of any material to dispute or to confront the finding/decision of the respondents, the prayer made in the present petition cannot be granted. The petition thus deserves dismissal. However, at this stage, counsel for the petitioner contends that he may be granted protection at his own expenses in accordance with the State Policy.

Learned State counsel, however, contends that in the absence of any threat perception, even the request of the petitioner for grant of security at his own expense cannot be allowed at this juncture. However, as the concerned State Policy is neither before this Court nor such a request has seemingly been submitted by the petitioner for consideration by the respondent-Authorities, liberty is granted to the petitioner to submit an application for seeking such protection at his own costs. In the event of submission of any such application, the respondent-Authorities shall take a decision thereupon in accordance with the applicable State Policy.

Petition stand disposed of accordingly.

JANUARY 18, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No